

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 21st day of January, 2008 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Frank Hametner, Council Member

ABSENT: Karen Mayer, Council Member

ADMINISTRATIVE PERSONNEL PRESENT: Tom Ginter, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines, Assistant Police Chief/Harbormaster
Frank Truitt, City Inspector
Don Brummett Acting Public Works Director

OTHERS PRESENT: Ralph & Lu Arcemont, Ed & Mary Redmond, Don & Nancy Schoenfeld, Jimmie & Gloria Peer, Bob & DeeDee Weber, Darlene Boehnke, Patsy Lawrence, Ronnie Boehnke, David Hogue, Karen Carson, Elizabeth & Harlan Roberts, Ginger Brashear, Jeanie Brummett, Earl Buckmaster, Jim Garner, Rosemary Vega/Chamber of Commerce, Paul Froeschener, Virgil & Sharon Conner, Michael Smith, Stephen Flynn, Brenda & James Byrd, Dorothy Morse, Mike & Gwen Sullinger, Tray Bates/W. L. Bates Co., Cecil Robles, Joan Snodgrass, Olivia Shedd, Bobby Cohen, Eva Young, Dave Bigelow

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on January 21, 2008.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the pledge of allegiance to the United States flag.

ITEM 3. PRESENTATION OF PROCLAMATION FOR ARANSAS PASS COMMUNITY LEADER GARY BOEHNKE.

Mayor Knight read the proclamation recognizing the community spirit, commitment, involvement, and leadership of long time citizen and friend Gary Boehnke, who passed away January 6, 2008. Mayor Knight then presented the proclamation to Mr. Boehnke's widow, Darlene.

ITEM 4. PUBLIC HEARING ON REQUEST OF JAMES AND BRENDA BYRD FOR A CONDITIONAL USE PERMIT FOR A PRE-OWNED AUTO SALES BUSINESS AT 1137 W WHEELER, LOTS 1 AND 2, BLOCK 231.

City Attorney Allen Lawrence declared the Public Hearing open at 7:06p.m. on the request of James and Brenda Byrd for a Conditional Use Permit for a pre-owned auto sales business at 1137 W. Wheeler, Lots 1 and 2, Block 231. He stated the property was presently zoned General Business. He stated the Planning and Zoning Commission had met on January 18 and recommended to the City Council that the Conditional Use Permit be granted for two years with conditions. He stated all public notices had been given. The City Attorney asked James and Brenda Byrd to come forward.

Mr. Byrd stated he and Mrs. Byrd had been in the used car business for 20 years, recently in Ingleside and had wanted to establish their business in Aransas Pass. He stated they would run a neat, clean business.

The City Attorney asked if there was anyone present to speak against the request. Seeing no one, the City Attorney closed the Public Hearing at 7:09 p.m. and

recommended adoption of the Planning and Zoning Commission's recommendation with the conditions of a two-year permit, a 20 car limit, open hours of 6:00 a.m. to 9:00 p.m., the property to be kept neat and clean, and the cars to be maintained on the hard surface.

ITEM 5. CONSIDER AND ACT ON REQUEST OF JAMES AND BRENDA BYRD FOR A CONDITIONAL USE PERMIT FOR A PRE-OWNED AUTO SALES BUSINESS AT 1137 W WHEELER, LOTS 1 AND 2, BLOCK 231.

Council Member Hametner made the motion to approve the request of James and Brenda Byrd for a Conditional Use Permit for a pre-owned auto sales business at 1137 W. Wheeler with the conditions set forth by the Planning and Zoning Commission. Council Member Abrego seconded the motion and motion carried unanimously.

ITEM 6. CONSIDER AND ACT ON APPROVING A CONTRACT WITH TEAL CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE CIVIC CENTER.

The City Attorney stated he had met with Teal Construction and the contract was acceptable except that two dates on the payment and performance bond were wrong. He stated he recommended the Council approve the contract subject to the payment and performance bond being submitted in proper form.

Council Member Hametner made the motion to approve the contract with Teal Construction Company for the construction of the Civic Center subject to changing the dates on the payment and performance bond as outlined by the City Attorney. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

The City Manager announced the groundbreaking for the Civic Center was Saturday, February 2 (2008) at 10:00 a.m.

ITEM 7. PRESENTATION FROM THE ARANSAS PASS YACHT CLUB PERTAINING TO A LEASE AT CONN BROWN HARBOR.

Mayor Knight stated the Aransas Pass Yacht Club was not ready and postponed their presentation.

ITEM 8. CONSIDER AND ACT ON A LEASE BETWEEN THE CITY AND JERRY ANDERSON OF "ANDERSON ELECTRIC" LOCATED AT 411 BIGELOW, CONN BROWN HARBOR

Mayor Knight stated the City Attorney approved acting on Items 8, 9 and 10 in one motion. He stated Mr. Anderson's lease payment would be \$200.00 per month; Mr. Markwardt's lease payment would be \$450.00 per month, and Mr. Coble and Ms. Martin's lease payment would be \$450.00 per month, each for a period of six months beginning February 1, 2008 and ending July 1, 2008.

The City Manager stated Mr. Anderson's lease would be under "Ocean Breeze" rather than "Anderson Electric."

Mayor Pro Tempore Attaway made the motion to approve Items 8, 9 and 10; approving separate leases between the City of Aransas Pass and Jerry Anderson dba Ocean Breeze at \$200.00 per month, Roger Markwardt dba Texas Service Industries at \$450.00 per month, and Ron Coble and Vicki Martin dba Salty Dog Bait House at \$450.00 per month beginning February 1, 2008 and ending July 1, 2008. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 9. CONSIDER AND ACT ON A LEASE BETWEEN THE CITY AND ROGER MARKWARDT OF "TEXAS SERVICE INDUSTRIES" LOCATED AT 508 BIGELOW, CONN BROWN HARBOR.

Considered and acted upon in Item 8.

ITEM 10. CONSIDER AND ACT ON A LEASE BETWEEN THE CITY AND RON COBLE AND VICKI MARTIN OF "SALTY DOG BAIT HOUSE" LOCATED AT 510 BIGELOW, CONN BROWN HARBOR.

Considered and acted upon in Item 8.

ITEM 12. CONSIDER AND ACT ON APPROVING THE DOCKING FEES FOR VESSELS IN CONN BROWN HARBOR.

The City Manager stated he and Harbormaster Bill Haines had met with a number of boat owners who had utilized the docks that JBS Shrimping once leased. He stated according to the boat owners, the main issues were the condition of the docks and their concerns about the source of ice for their boats since JBS was the only source of ice in the area for the boats. He stated he would recommend not charging the boat owners for docking fees for a period of 6 months because the docks are in poor condition and tying up at some of the docks was very hard to do and charge \$80.00 a month for any size

boat. He stated that fee was compatible with the San Patricio Navigation District docking fees.

The City Manager stated he believed there were grants available to improve the docks and the City would do its best to secure a grant for repairing the docks, but it was difficult at this time to give any kind of timetable for dock improvements.

Discussion was held on controlling transient boats docking in the harbor, designating spaces for boats paying monthly docking fees, the monthly docking fee to be charged, monitoring the harbor for transient boats, patrolling the harbor, fees for transient boats, and the grace period before docking fees go into effect.

Council Member Hametner made the motion to approve docking fees for operable vessels in Conn Brown Harbor at \$80.00 per month for any size operable vessel commencing May 1, 2008. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 13. CONSIDER AND ACT ON AUTHORIZING STAFF TO SOLICIT BIDS FOR THE REMOVAL OF THE MOTOR VESSEL "WARLOCK" FROM CONN BROWN HARBOR.

After discussion, Council Member Abrego made the motion to authorize staff to solicit bids for the removal of the motor vessel "Warlock" from Conn Brown Harbor. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 14. REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS: *At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and development, budgets, financial reports and any other projects may be given. No formal action can be taken on any of these items at this time. Comments will be limited to 3 minutes each.*

The City Manager stated the Chamber of Commerce banquet was Friday night and he would be the speaker.

The City Manager stated Gary's Pool would start the Aquatic Center renovations Wednesday and would finish in two to two and one-half months.

Jerry Anderson stated JBS Shrimping removed the pump-out station when they left. He asked could the pump-out station be reactivated so the boat owners could pump out their bilges?

Mayor Pro Tempore stated JBS did not have the authority to remove the pump-out station, the Texas General Land Office (GLO) put that pump station in.

Mr. Anderson stated the GLO furnished the pump station and JBS installed it, paid the electric bill and furnished the labor.

Mayor Knight asked the City Manager to assess the pump-out station situation.

Eva Young stated she was still upset about her property taxes being so high.

ITEM 15. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

A. Section 551.072 Deliberations Regarding Real Property-Conn Brown Harbor.

Council recessed into Executive Session at 7:34 p.m.

ITEM 16. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON DELIBERATIONS OF EXECUTIVE SESSION REGARDING REAL PROPERTY-CONN BROWN HARBOR.

A. Section 551.072 Deliberations Regarding Real Property-Conn Brown Harbor.

Council reconvened into Open Session at 8:27 p.m.

Council Member Hametner made the motion to authorize the City Attorney to pursue all legal remedies against JBS Shrimping to collect outstanding lease payments and water bills owed to the City of Aransas Pass. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

Council Member Hametner made the motion to authorize the City to proceed with the marina project on the west side of the (Conn Brown) Harbor and appoint Mike Sullinger as the project manager to report to the City Council and cooperate with the City Manager. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 11.

Council Member Hametner made the motion to approve an agreement with W.L. Bates Company to manage Conn Brown Harbor leases excluding the marina project. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 17.

Mayor Knight adjourned the meeting at 8:33 p.m.

ATTEST:

Ada Owens, City Secretary